

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 4, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Ann Taylor, County Clerk's Office
Gwen Thorpe, Chief Deputy Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, April 27, 2004.

MOTION: Hudkins moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated Tuesday, April 27, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. Recognition of County Employees' Service Anniversaries.

The County Board recognized employees who have served the County for 10, 15, 20, 25, 30, and 45 years.

B. Household Hazardous Waste Collection Program - Nancy Clark and Beth Mann, Lincoln-Lancaster County Health Department.

Nancy Clark and Beth Mann, Lincoln-Lancaster County Health Department, appeared and gave an overview of the household hazardous waste collection program.

3) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

4) **CLAIMS:** Approval of all claims processed through Tuesday, May 4, 2004.

MOTION: Workman moved and Hudkins seconded approval of all claims processed through May 4, 2004. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

5) **PUBLIC HEARINGS:**

A. County Final Plat 03015, Stevens Creek Estates Addition, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of four lots and two outlots, on property generally located at North 190th Street and Havelock Avenue in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Brian Carstens, appearing on behalf of the Kriesers.

Carstens gave a brief overview of the final plat.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

New Business Items 6A and 6B were moved forward on the agenda.

6) **NEW BUSINESS:**

The Clerk read New Business Items 6A and 6B into the record.

A. A resolution in the matter of County Final Plat 03015, Stevens Creek Estates Addition, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of four lots and two outlots, on property generally located at North 190th Street and Havelock Avenue in Lancaster County, Nebraska. (R-04-0041)

6) **NEW BUSINESS CONTINUED:**

B. A subdivision agreement with Gerry and Dianne Krieser, filed by Brian D. Carstens and Associates, for County Final Plat 03015, Stevens Creek Estates Addition, on property generally located on 190th Street and Havelock Avenue, Lancaster County, Nebraska. (C-04-0203)

MOTION: Schorr moved and Workman seconded approval of Resolution 04-0041 in the matter of County Final Plat 03015, Stevens Creek Estates Addition, and a subdivision agreement with Gerry and Dianne Krieser for County Final Plat 03015, Stevens Creek Estates Addition. Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

RETURNING TO PUBLIC HEARINGS:

B. Amending the heating, cooling and ventilating code (R-04-0015) and the plumbing code (R-04-0016) to delay requirements for persons performing heating, cooling and ventilating and plumbing work to be registered as a contractor by the City of Lincoln Building and Safety Department.

The Chair opened the public hearing and asked if anyone wished to testify.

Workman requested a petition containing over 200 signatures be made a part of the record (Exhibit A) and also requested the Clerk read the following into the record:

"Whereas, Michael P. Dietze, President of Waverly Plumbing and Well Company, 14150 Lancashire, Waverly, Nebraska 68462, established in 1960, has been providing essential, reliable and satisfactory plumbing and well services to the residents of Waverly and of other areas of Lancaster County outside of the City of Lincoln for more than 30 years and whereas the undersigned have been informed that such services will not be available due to the requirement that Mr. Dietze will be required to have a Lincoln City Master Plumbers license, therefore, the Lancaster County Board of Commissioners as a service to those County residents who reside outside of the City of Lincoln are hereby petitioned to provide appropriate license or permit to Mr. Dietze so that he may continue his services to the community provided that the work performed is in compliance with the plumbing code of the City of Lincoln."

Hudkins indicated he received a call from Ron Melbye, Waverly Mayor, suggesting that the County Board allow Mr. Dietze to continue operating within the County by some type of special permit/license.

5) **PUBLIC HEARINGS CONTINUED:**

The Clerk administered the oath to Michael Dietze, 14150 Lancashire, Waverly, Nebraska.

Dietze appeared and requested that he be grandfathered in for a master plumber's license to continue operating his business outside the City of Lincoln. He stated a hardship would be created if he had to close his business to go through the master plumber program.

The Clerk administered the oath to Mike Merwick, Building and Safety Director.

Merwick appeared and gave a brief overview of the heating, cooling and ventilating code, as well as the plumbing code. He stated delaying implementation for one year would allow criteria to be developed for some type of license.

MOTION: Workman moved and Hudkins seconded to develop and provide criteria centered around the following requirements for a "Special Trades License" to be issued by Building and Safety allowing work in Lancaster County excepting those areas that lie within the City limits. The application for the "Special Trades License" will be reviewed by Building and Safety with a recommendation of approval/denial given to the Lancaster County Board. Final review and approval in each case will be the responsibility of the Lancaster County Board. The basic requirements for application for the "Special Trades License" will be similar to: 1) Applicant will apply no later than one year from the date of approval of the motion, 2) Proper insurance verification will be provided and 3) Proof of adequate professional experience performed in Lancaster County prior to the regulation rule changes with a minimum of three (3) recent references of work performed within the County. The application for a "Special Trades License" does not negate the applicant's ability to apply and be tested for a trades license allowing work in both the City and County nor does it change any existing requirements for licensing as currently specified by Building and Safety.

Merwick stated it was his understanding that the Board wanted to declare a moratorium to allow development of criteria. He indicated the motion, as he understood it, does not address any other details.

In response to a question asked by Schorr, Merwick stated he felt a moratorium would allow individuals to continue to operate as they always have. During the moratorium, criteria would be developed which would come back to the County Board for approval/denial.

5) **PUBLIC HEARINGS CONTINUED:**

General discussion took place regarding procedure.

Workman stated he would be in favor of tabling his previous motion in favor a motion creating a one year moratorium.

MOTION: Workman moved to direct the County Attorney's Office to draft a resolution allowing a one year moratorium, effective May 4, 2004.

The Chair declared the motion out of order.

Workman withdrew his original motion and the seconder concurred.

MOTION: Hudkins moved and Workman seconded to direct to the County Attorney's Office to draft a resolution for a one year moratorium, beginning July 1, 2004 and for the County Board to work with Building and Safety and the County Attorney's Office to develop criteria for a special County license.

Schorr stated she wanted to clarify that they are temporarily instituting a special license with grandfathering qualifications.

ROLL CALL: Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Final Plat 03015, Stevens Creek Estates Addition, requested by Brian D. Carstens and Associates on behalf of Gerry and Dianne Krieser, consisting of four lots and two outlots, on property generally located at North 190th Street and Havelock Avenue in Lancaster County, Nebraska. (R-04-0041)

This item was moved forward on the agenda.

B. A subdivision agreement with Gerry and Dianne Krieser, filed by Brian D. Carstens and Associates, for County Final Plat 03015, Stevens Creek Estates Addition, on property generally located on 190th Street and Havelock Avenue, Lancaster County, Nebraska. (C-04-0203)

This item was moved forward on the agenda.

6) **NEW BUSINESS CONTINUED:**

- C. An application for a Special Designated License from Ken's Liquor Inc. to cater a wedding reception on Saturday, June 5, 2004 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska.**

MOTION: Heier moved and Workman seconded approval of an application for a Special Designated License from Ken's Liquor Inc. to cater a wedding reception on Saturday, June 5, 2004 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street, Lincoln, Lancaster County, Nebraska. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

- D. An agreement with Cole Layer Trumble Company for software and professional services for the Lancaster County Assessor/Register of Deeds Office, in the amount of \$1,447,507. (C-04-0208)**

This item was held at the request of the County Attorney's Office.

- E. A grant contract with Lincoln Council on Alcoholism and Drugs, Inc. for grants management and clerical support (\$45,220), the Training Coordinator for Youth Led Strategies program and the Substance Abuse Action Team Project Director (\$22,720). The total amount of the grant contract is \$67,940. Term of the contract is October 1, 2003 to September 30, 2004. (C-04-0201)**

MOTION: Hudkins moved and Workman seconded approval of a grant contract with Lincoln Council on Alcoholism and Drugs, Inc. for grants management and clerical support (\$45,220), the Training Coordinator for Youth Led Strategies program and the Substance Abuse Action Team Project Director (\$22,720). Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

- F. Utility Permit 708 requested by Lincoln Water System to construct utilities in County right-of-way along Folsom Street from Calvert Street to Pioneers Boulevard. (C-04-0202)**

MOTION: Hudkins moved and Workman seconded approval of Utility Permit 708 requested by Lincoln Water System to construct utilities in County right-of-way along Folsom Street from Calvert Street to Pioneers Boulevard. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- G. An interlocal agreement between the City of Lincoln, the Lincoln-Lancaster County Health Department and the Lancaster County Sheriff's Office for tobacco compliance checks. Term of the agreement is January 1, 2004 through September 30, 2004. The City will reimburse the Sheriff's Office an amount not exceed \$2,000. (C-04-0205)**

MOTION: Heier moved and Hudkins seconded approval of an interlocal agreement between the City of Lincoln, the Lincoln-Lancaster County Health Department and the Lancaster County Sheriff's Office for tobacco compliance checks. Hudkins, Schorr, Heier, Workman and Stevens. Motion carried.

- H. A user's agreement with Suburban Title Company for remote access to Lancaster County records at a rate of \$0.012 per transaction. The County may terminate by giving 60 days written notice. (C-04-0206)**

MOTION: Hudkins moved and Heier seconded approval of a user's agreement with Suburban Title Company for remote access to Lancaster County records at a rate of \$0.012 per transaction. The County may terminate by giving 60 days written notice. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- I. An agreement with Nationwide Retirement Solutions (NRS) for reimbursement to Lancaster County for costs incurred in the administration and marketing of the Lancaster County Employees 401(a) Retirement Plan and the 457 Deferred Compensation Plan administered by NRS. The County will be reimbursed \$40,000 per year to be paid in quarterly installments, and a prorated amount of \$8,333 for the period from October 14, 2003 to December 31, 2003. (C-04-0207)**

MOTION: Workman moved and Heier seconded approval of an agreement with Nationwide Retirement Solutions (NRS) for reimbursement to Lancaster County for costs incurred in the administration and marketing of the Lancaster County Employees 401(a) Retirement Plan and the 457 Deferred Compensation Plan administered by NRS. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- J. **Recommendation from the Purchasing Agent and the County Engineer to award a bid for asphaltic concrete resurfacing and paving at various locations within the County to Pavers, Inc., in the amount of \$973,300. (B-04-0020)**

MOTION: Hudkins moved and Workman seconded approval to award a bid for asphaltic concrete resurfacing and paving at various locations within the County to Pavers, Inc., in the amount of \$973,300. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

- K. **A political subdivision tort claim filed against the Lancaster County Corrections Department by Adubo Omere for lost property, in the amount of \$25.**

MOTION: Schorr moved and Hudkins seconded to accept the Director's recommendation to deny the political subdivision tort claim filed against the Lancaster County Corrections Department by Adubo Omere for lost property, in the amount of \$25. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. **Letter from the Lancaster County Sheriff's Office regarding the 2003 Local Law Enforcement Block Grant fund monies.**

- B. **A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Daniel G. and Susan A. Maizner, in the amount of \$24,111.86, on Rokeby Road between South 56th Street to South 70th Street; Project C55-P-407(1). (C-04-0204)**

MOTION: Workman moved and Schorr seconded approval of the Consent Items. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:55 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, MAY 4, 2004
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Deb Schorr
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Ann Taylor, County Clerk's Office
Gwen Thorpe, Chief Deputy Administrative Officer

The Board of Equalization was called to order at 2:55 pm..

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, April 27, 2004.

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated April 27, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

Approval of 66 additions and deductions to the tax assessment rolls per Exhibit "A".

MOTION: Workman moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **MOTOR VEHICLE TAX EXEMPTIONS:**

BryanLGH Medical Center
First Church of the Nazarene
St. Peter Catholic Church of Lincoln
Seventh-Day Adventist Schools of Lincoln

MOTION: Schorr moved and Hudkins seconded approval of the motor vehicle tax exemptions. Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

MOTION: Heier moved and Schorr seconded adjournment of the Board of Equalization meeting at 2:57 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk